

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 HA-05 OMB-01 TRSE-00 /095 W
-----040616 071538Z /46

P R 071203Z APR 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 7702
INFO AMCONSUL IBADAN
AMCONSUL KADUNA
AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 LAGOS 4344

E.O. 11652: GDS
TAGS: PGOV, PDEV, NI
SUBJECT: SHARIA: NORTHERN WALKOUT AFTER CA DECISION

REF: LAGOS 4296

SUMMARY: AS A RESULT OF YESTERDAY'S CA DECISION
ON SHARIA, 83 NORTHERN MCA'S HAVE WITHDRAWN FROM
THE ASSEMBLY AT LEAST TEMPOARILY. END SUMMARY.

1. EIGHTY THREE NORTHERN MEMBERS OF THE
CONSTITUTENT ASSEMBLY (CA) HAVE WITHDRAWN FROM
FURTHER PARTICIPATION IN CA PROCEEDINGS 'FOR
THE TIME BEING' AS A RESULT OF YESTERDAY'S CA
DECISION NOT TO INCLUDE A FEDERAL SHARIA COURT
OF APPEAL IN THE CONSTITUTION.
 2. PRESS REPORTS INDICATE THAT THE NORTHERN
MCA'S NOT IN THE SENATE BUILDING AFTER WALKING
OUT OF THE ASSEMBLY DURING THE SHARIA VOTE.
THEY THEN DRAFTED A STATEMENT CONDEMNING THE ACTION
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OF THE CA AND CHARGIN THAT
-- THERE HAD BEEN NO CONSENSUS AMONG THE
MEMBERS OF CHIEF ADEBO'S SPECIAL SUBCOMMITTEE WHICH
WAS CONSIDERING POSSIBLE SOLUTIONS TO THE SHARIA
PROBLEM.
-- THE CA CHAIRMAN IGNORED REQUESTS FOR MORE
TIME TO STUDY THE ISSUE AND 'THREW HIS WEIGHT

BEHIND THOSE WHO NEVER MADE SECRET THEIR OPPOSITION TO ENTRENCHING ISLAMIC LAW IN THE CONSTITUTION.'

-- 'IN THE LIGHT OF THE CAVALIER MANNER IN WHICH THIS VERY SERIOUS MATTER WAS BEING HANDLED, WE HAD NO OPTION BUT TO WITHDRAW FROM THE PROCEEDINGS ON THE FLOOR OF THE ASSEMBLY.'

-- THESE CA PROCEEDINGS ON SHARIA 'COMPLETELY NEGATED THE CONSENSUAL SPIRIT AND BASIS OF THE FEDERAL MILITARY GOVERNMENT'S POLITICAL PROGRAMME.'

3. THE NORTHERN STATEMENT WAS SIGNED BY SIX PROMINENT NORTHERN LEADERS IN THE CA, ALHAJI AMINU KANO, ALHAJI SHETTIMA ALI MONGUNO, ALHAJI IBRAHIM DASUKI ALHAJI ADAMU CIROMA, DR. IBRAHIM TAHIR, AND MOLAND TURI MUHAMM.

4. IN THE EVENING AFTER THE CA DECISION, THE EMBASSY LABOR/PLITICAL ASSISTANT VISITED THE SATELLITE VILLAGE WHERE MCA'S RESIDE AND FOUND TENSION TO BE VERY HIGH AMONG MEMBERS. HE REPORTED A NUMBER OF SHARP EXCHANGES BETWEEN NORTHERN AND SOUTHERN MCA'S AS A RESULT OF THE DAY'S EVENTS. IN PARTICULAR, HE NOTED THE FOLLOWING COMMENTS:

-- ALHAJI A. J. GANA (BORNO) SAID THAT SHARIA LAW WAS IN NO WAY INFERIOR TO ENGLISH LAW AND HAD BEEN IN USE FOR MANY YEARS. IT MUST BE INCLUDED IN CONFIDENTIAL

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THE FEDERAL CONSTITUTION IN ORDER TO HAVE A BALANCED JUDICIAL SYSTEM.

-- JANET AKINRINADE (OYO) SAID THAT A SHARIA COURT OF APPEAL WOULD NOT BE IN THE INTEREST OF EITHER THE MCA'S OR THE FUTURE OF NIGERIA. EVEN ISLAMIC COUNTRIES SUCH AS MAURITANIA AND THE SUDAN DID NOT HAVE SEPARATE SHARIA SYSTEMS AT THE TOP.

-- ANTHONY OBAONG (CALABAR) CONDEMNED THE NORTHERN WALKOUT. THAT WOULD NOT SOLVE THE SHARIA PROBLEM. HE HAD A MANDATE TO OPPOSE SHARIA AND HAD DONE SO. THERE WAS NO PLACE FOR IT IN THE CONSTITUTION.

-- ALHAJI SBEHU ABDULLAHI (KANO) SAID THE SHARIA DECISION PROVED THAT PEOPLE FROM THE SOUTH HAD NO SENSE OF GIVE AND TAKE. IT INVITED CHAOS AND CONFUSION. THE NORTH CANNOT ACCEPT IT.

-- JOHN PAM (PLATEAU) OBSERVED THAT A SHARIA FEDERAL APPEALS COURT WOULD MEAN A DUAL LEGAL SYSTEM WHICH IS NOT IN THE INTEREST OF NIGERIA. HIS CONSTITUENTS HAVE STRONGLY OBJECTED TO SHARIA. THEY WOULD NOT SUPPORT IT.

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C O N F I D E N T I A L SECTION 2 OF 2 LAGOS 4344

5. COMMENT2 THE DEPTH OF NORTHERN DISAPPOINTMENT
OVER THE SHARIA DEFEAT IS NO4 YET CLEAR. SEVERAL
MCA'S TOLD AN EMBASSY OFFICER YESTERDAY THAT NO
ONE IN THE ASSEMBLY INCLUDING SHARIA'S MOST ARDENT
SUPPORTERS SERIOUSLY ENTERTAINED THE IDEA THAT
A FULL BLOWN FEDERAL SHARIA COURT OF APPEAL WOULD
BE RETAINED IN THE CONSTITUTION. THUS, THE
ARGUMENT IN THE ADEBO COMMITTEE AND IN THE CA
AS A WHOLE HAD BOILED DOWN TO HOW FORMALLY THE
SHARIA SUBGROUP OF THE FEDERAL COURT OF APPEAL
WOULD BE CONSTITUTED. PRO-SHARIA MCA'S WISHED THE
SUBGROUP TO BE CALLED A 'DIVISION' OF THE FEDERAL
COURT OF APPEAL. SHARIA'S OPPONENTS PREFERRED
PHRASEOLOGY WHICH WOULD STRESS THE AD HOC
NATURE OF THE SUBGROUP. IN THE END, THE ASSEMBLY
ADOPTED THE FOLLOWING LANGUAGE:

-- 'APPEALS FROM THE STATE SHARIA COURTS OF
APPEAL SHALL BE TO THE FEDERAL COURT OF APPEAL.

FOR SUCH APPEALS, THE FEDERAL COURT OF
APPEAL SHALL BE CONSTITUTED BY THREE JUSTICES OF
APPEAL WHO ARE VERSED IN ISLAMIC LAW.'

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APPARENTLY, THE LANGUAGE ADOPTED BY THE CA WAS YOO
NONINSTITUTIONAL FOR MANY NORTHERN MCA'S.

5. PERHAPS THE KEY PHRASE IN THE NORTHERN STATE-
MENT IS WITHDRAWAL 'FOR THE TIME BEING.' SEVERAL
MCA'S REMARKED TO US YESTERDAY THAT THE NORTHERNERS
WERE CONCERNED OVER HOW TO SELL A COMPROMISE
SOLUTION TO THEIR NORTHERN CONSTITUENTS.
YESTERDAY'S WALKOUT MAY BE POLITICAL PSTURING
TO SHOW THE HOME FOKS THAT THE NORTHERN MCA'S
FOUGHT THE GOOD FIGHT. IF THERE IS NO SIGNIFICANT
NORTHERN REACTION, THE NORTHERN MCA'. MAY BE EXPECTED
TO RETURN TO THE CA AS IT MOVES ON TO OTHER
BUSINESS. END COMMENT.
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